

provided by Section 3621, and provides as follows in pertinent part:

The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

18 U.S.C. § 3624(c)(1). Placement of an inmate in an RRC during the final portion of his sentence is sometimes referred to as “pre-release RRC placement.” Delfino v. Berkebile, No. , 5:10cv432, 2011 WL 1088013, *3 (S.D.W. Va. Mar. 23, 2011).

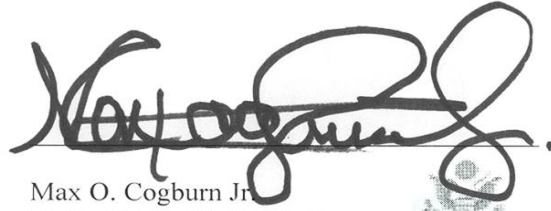
Section 3624(c) concerns actions to be taken by the Director of the Bureau of Prisons, not the Court. Whether to place a person in any pre-release program appears to be a duty delegated to the Executive Branch and not the Judiciary. Matters Congress delegates to the Director of the Bureau of Prisons are not left to the discretion of the courts. See United States v. Stubbs, No. 97-4948, 1998 WL 387253, at *1 (4th Cir. June 24, 1998) (*per curiam*) (citing United States v. Wilson, 503 U.S. 329 (1992)).

Furthermore, Defendant must fully exhaust all avenues for relief afforded by the Bureau of Prisons before filing a petition with any Court. Even if he has exhausted his BOP administrative remedies, such a motion would likely be a challenge brought under 28, United States Code, Section 2241, in the district in which he is incarcerated, which appears to be the Eastern District of Kentucky.

ORDER

IT IS, THEREFORE, ORDERED that is Defendant’s pro se Motion for the Second Chance Act Halfway House/RRR/Home Release for Increased Time, Release Funds, (#94), is **DENIED** without prejudice.

Signed: October 6, 2023



Max O. Cogburn Jr.
United States District Judge